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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,636	08/06/2003	Kyra Moellmann	LASP:129US	1635
24041	7590	12/27/2005	EXAMINER	
SIMPSON & SIMPSON, PLLC 5555 MAIN STREET WILLIAMSVILLE, NY 14221-5406			WILLIAMS, DON J	
			ART UNIT	PAPER NUMBER
			2878	

DATE MAILED: 12/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/604,636	<b>Applicant(s)</b> MOELLMANN, KYRA	
	<b>Examiner</b> Don Williams	<b>Art Unit</b> 2878	(AM)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

This Office Action is in response to the Applicant's application filed on August 06, 2003.

Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Engelhardt et al (6,958,858).

As to claim 1, Engelhardt et al disclose light sources for the illumination of microscopic specimens (27) comprising a first laser (1) and a second laser (3) wherein

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each emits light (5, 7) into a first beam path and into a second beam path; an optical combining means (9) being introduced in the first and in the second beam path; and a displaceable deflection unit (17) for setting a path length difference between the light (5) of the first laser (1) and the light (7) of the second laser (3), (see column 1, lines 18-55, figure 1, column 4, lines 55-67).

As to claim 2, Engelhardt et al disclose the first laser (1) and the second laser (3) are short-pulse lasers that are passively synchronized with one another, (see figure 1, column 4, lines 15-18 and lines 55-67).

As to claim 3, Engelhardt et al disclose a measurement unit (31) for ascertaining cross-correlation is provided, which receives a portion of the light (5) of the first laser (1) and a portion of the light (7) of the second laser (3), and is used to ascertain a setting signal for adjusting the synchronization or controlled delay of the laser pulses of the first laser (1) and/or the second laser (3), (see figure 1, column 4, lines 55-67, column 5, lines 1-5).

As to claims 4, Engelhardt et al disclose the first laser is a Ti:sapphire laser, (see figure 2, column 5, lines 50-53).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-11 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Engelhardt et al in view of Simon et al (6,356,088) and (6,466,040).

As to claims 5 and 13, Engelhardt et al disclose a second laser (3). Engelhardt et al fail to explicitly teach the second laser is a Nd:YVO<sub>4</sub> laser type. Simon et al disclose different lasers such as Nd:YAG laser. It would have been obvious for one ordinary skill in the art to modify Engelhardt et al to include a different laser such as Nd:YAG as disclosed by Simon et al to distinguish the light beams intensity strength and wavelength difference along the optical beam path, (see figure 4, column 5, lines 58-64).

As to claims 6 and 14, Engelhardt et al disclose the first laser (1), the second laser (3), the displaceable deflection unit (17), the optical combining means (9, 21, 23, 25), and the measurement unit (31) for ascertaining cross-correlation of the first laser beam (5) and the second laser beam (7). Engelhardt et al fail to disclose the diode laser and scan module. Simon et al disclose a monitor diode laser and a scan module. It would have been obvious for one ordinary skill in the art to modify Engelhardt et al to include a monitor diode laser located inside a scan module wherein the scan module has been engineered in a highly compact form as disclosed by Simon et al to improve the short pulse laser intensities which allow reflected distinguished wavelength signals from the specimen to be detected and converted into an electrical signal allowing a clear and precise image to be displayed on the monitor in order to perform further critical analysis of the specimen, (see column 1, lines 64-67, figure 2, column 5, lines 35-37).

As to claim 7, the modified Engelhardt et al disclose the module is flange-mounted onto an optical examination apparatus for microscopic specimens, (see column 2, lines 15-18).

As to claim 8, Engelhardt et al discloses a beam deflection device (17) for guiding an illuminated light beam, a microscope optical system (25) for focusing the beam of light, a detector (31) for converting the reflected beam of light, light sources (1, 3) which emits a combined light beam (11) generated by a first laser (1) and a second laser (3), optical combining means (9, 21, 25) for the synchronization of light (5) from the first laser (1) and light (7) from the second laser (3). Engelhardt et al fail to explicitly teach a displaceable deflection unit. Simon et al disclose a two dimensional deflection unit. It would have been obvious for one ordinary skill in the art to modify Engelhardt et al to include a two dimensional deflection unit as disclosed by Simon et al to distinguish the light beams intensity strength and wavelength difference along the optical beam path, (see figure 3, column 3, lines 45-50).

As to claim 9, the modified Engelhardt et al disclose the first laser (1) with a first beam path (5) and the second laser (3) with a second beam path (7), and the optical combiners (9, 21, 25) for the combining of the first beam (5) and the second beam (7), (see figure 1, column 4, lines 55-67).

As to claim 10, the modified Engelhardt et al disclose beam path (5) of the first laser (1) and beam path (7) of the second laser (3). The modified Engelhardt et al fail to disclose a displaceable deflection unit. Simon et al disclose a two dimensional deflection unit (6). It would have been obvious for one ordinary skill in the art to modify

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Engelhardt et al to include a two dimensional deflection unit as disclosed by Simon et al to distinguish the light beams intensity strength and wavelength difference along the optical beam path, (see figure 3, column 3, lines 45-50).

As to claim 11, the modified Engelhardt et al disclose the light sources (1, 3) are equipped with a measurement unit (31) for ascertaining cross-correlation which receives a portion of the light (5) of the first laser (1) and a portion of the light (7) of the second laser (3), and can be used to ascertain a setting signal for adjusting the synchronization or controlled delay of the laser pulses of the first laser (1) and/or the second laser (3), (see figure 1, column 4, lines 55-67).

As to claims 12, Engelhardt et al disclose the first laser is a Ti:sapphire laser, (see figure 2, column 5, lines 50-53).

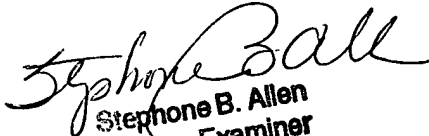
As to claim 15, the modified Engelhardt et al disclose a computer (43) with a display (47) connected to the scan module wherein adjustment data and adjustment aids for synchronization of the first and second laser are displayed for the user, (see figure 1, column 5, lines 29-49).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Don Williams whose telephone number is 571-272-8538. The examiner can normally be reached on 8:30a.m. to 5:30a.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps can be reached on 571-272-2328. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Stephone B. Allen  
Primary Examiner